

The Second Chance Campaign of New Jersey

The mission of the Second Chance Campaign of New Jersey is to achieve the safe and successful reintegration of adults and juveniles returning home from incarceration by promoting policies that remove barriers to productive citizenship. The Campaign agenda includes measures that will improve the safety and security of New Jersey's families and communities, save state and municipal dollars, and promote racial equity.

Americans of all political perspectives believe that crime and punishment must go hand in hand, but they want to see a prison door that isn't a revolving door. An ever increasing number of families have seen sons and daughters, cousins, spouses, childhood friends, and others return home with the intention of becoming productive members of the community, only to find the barriers to getting a job, paying down debts, finishing their education, getting stable housing, and supporting their families insurmountable. Their failure is costly, not only for their families and the towns and cities in which they live, but for the state as a whole.

Some basic facts about reentry in New Jersey:

- In 1980, New Jersey prisons released 3,910 individuals. By 2005, just 25 years later, the number had climbed to 14,381. At this rate, over 70,000 adults will return from state prison to their New Jersey communities over the next 5 years. On average 1,600 youth return home annually from juvenile justice placements, or 8,000 over the next 5 years. Many more transition in and out of county jails on short sentences.
- In the 30 years between 1977 and 2007, the New Jersey prison population more than quadrupled, increasing from 6,017 to 27,471. The per capita incarceration rate rose from 76 per 100,000 to 315.
- Reentry is virtually universal: 95% of those who enter state prison are released. Every juvenile and every jail inmate will be released.
- Over the past 25 years, state spending on corrections, parole, and juvenile justice has grown at twice the rate of the rest of the state budget. The state now spends over \$1 billion a year on incarceration and post-release supervision.
- The average New Jersey inmate functions at a sixth grade level in reading and a 5.4 grade level in math. Only 2% of the corrections budget is spent on educational or vocational programming.
- More than half of all state prison inmates have a history of moderate to severe substance abuse disorders.
- No agency in the state regularly measures or is held accountable for the recidivism – rearrest, reconviction or reincarceration – of adults and juveniles released from state custody, or the effectiveness or cost effectiveness of policies and interventions targeting this population.
- While African-Americans make up only 14% of the population in New Jersey, they constitute 62% of the prison population.

The Second Chance Campaign is committed to the agenda first laid out by the New Jersey Reentry Roundtable, which brought together a broad range of stakeholders and experts to analyze what we know about prisoner reentry in New Jersey and make policy and practice

recommendations to address the issue comprehensively. As presented by Roundtable Co-Chairs John Farmer and Stanley Van Ness, the Roundtable's final report *Coming Home for Good* (available at www.njisj.org) lays out the core principles that should guide New Jersey's reentry strategy, including:

- **Begin reentry preparation at entry:** Starting with comprehensive assessment when individuals enter the criminal justice facilities, time spent inside should include meaningful preparation for a productive and law abiding life outside of prison. Drug treatment, literacy, education and appropriate vocational training are not luxuries: they are smart investments in public safety.
- **Manage the transition back home:** The period prior to and immediately following release is a period of crisis and of opportunity that ought to receive specific attention, coordination, and a concentration of resources. Basic discharge planning, including linkages to community-based organizations, assembling necessary identification documents, and making appointments for medical care should be the norm. Family members, whose support is key to reentry success, should be engaged in the preparation for release. Pre-release safety planning, that takes into account the concerns of crime victims and affected families where appropriate, should also be standard practice.
- **Remove unnecessary barriers to reentry success:** While public safety dictates certain on-going protections and prohibitions, too many of our laws do not give those who have finished their incarceration a fair opportunity to succeed and do not advance legitimate security interests. Public policy – state and local – affecting released prisoners should encourage and not prevent productive behavior like working, paying child support and taxes, pursuing education, reintegrating with family, and the key components of civic participation: voting and jury service. Laws that prohibit employment in certain fields, for example, and prohibit voting and jury service need to be reevaluated and changed.
- **Support neighborhoods and families:** Given the concentration of returning adults and juveniles in certain communities, we can target our limited resources for post-release support, supervision and aftercare towards areas most affected by reentry, supporting neighborhood-based interventions and local policies that incorporate safe reintegration into community economic development strategies.

Underlying all of these recommendations is a commitment to public safety strategies driven by solid data and analysis. There exists now a wealth of proven and promising approaches that can and should be implemented here in New Jersey. Public policy – state and local laws, regulations and practices – should support the goals of the state's programs.

Getting Started: Five Steps that Will Make a Difference

While the range of measures necessary to achieve the safe and successful reintegration of New Jerseyans leaving state custody is broad, the Second Chance Campaign puts forth five first steps that the state could take now, with little cost, which could make a real difference in accomplishing this goal:

1. **Promote Work:** Research supports the common sense notion that employment reduces recidivism. A good job provides necessary financial support, as well as an alternative to criminal activity, and helps individuals reintegrate into their families and communities. From the state's perspective, employment of former prisoners

increases state tax revenues, reduces family financial instability and dependency on public assistance and increases the economic viability of the communities to which individuals return. Finding and keeping a job, however, is one of the most difficult challenges people returning home face, given limited education and work experience, employer biases against hiring those with criminal records, and many legal restrictions.

In addition to supporting training and education programs, there are several low cost steps that the state and localities can take to increase employment for those returning home and hopefully to the workforce:

- **Ban the Box:** In cities around the country, executive authorities and municipal councils are encouraging fair employment practices in the private sector by modeling in public sector employment how employers should treat job applicants and employees with criminal records where no explicit legal restriction applies. “Ban the Box” laws eliminate the criminal record question (the “box” to be checked) from employment applications, including a background check only where it is relevant (or required by law) and after an individual is determined to be otherwise qualified. The applicant then has an opportunity to correct the record and also show sufficient rehabilitation to merit the job. In addition to reaching high quality applicants who might otherwise be missed, this approach reduces hiring delays caused by too many background checks, encourages rehabilitation by giving individuals a reason to develop the skills needed to qualify for public employment, and models fair practices for private employers to implement.
- **Extend Discrimination Protections:** While certain jobs may be inappropriate for individuals with particular convictions, New Jersey should follow the lead of other states and amend the Law Against Discrimination to prohibit discrimination in employment decisions based solely on a criminal record where there is no specific job-related reason for the action. New Jersey already prohibits such discrimination by all licensing authorities. A reasonable approach would be to extend this protection to cover all employers of more than 10 employees.
- **Certificate of Rehabilitation:** Certificates of rehabilitation (or “of good conduct”) are legal documents that recognize that an individual has been rehabilitated, with the legal effect of restoring rights and lifting restrictions on employment, licenses, and benefits. They can be awarded by a sentencing court or parole board – and letters of good conduct can be awarded by police departments – and can facilitate productive employment, stable housing and family reunification, key factors proven to reduce recidivism. New York, Illinois, California, Arizona and Nevada are a few of the states that have these provisions.
- **Restricted Use Driver’s License:** Most license suspensions in New Jersey are imposed for financial reasons, not dangerous driving, and these suspensions are imposed most frequently in poor, minority neighborhoods, according to the Motor Vehicle Commission’s Affordability and Fairness

Task Force. A common problem for individuals leaving prison, the lack of license can be a major barrier to employment. Most states (forty in all) have instituted some form of limited use driver's license, to permit those under suspension to drive for work, job training or education, or health reasons while paying off outstanding fees. Such a license would be available to all New Jerseyans, not only those with criminal records.

2. **Stabilize Families:** Family reintegration is a critical aspect of reentry for most returning individuals and research now shows that family support plays a significant role in reentry success. While family members provide a critical support system for individuals during incarceration and after release, and, often, motivation for rehabilitation, incarceration and reentry can put a severe economic and emotional strain on families, particularly the estimated 42,000 New Jersey children with an incarcerated parent.

The final recommendations of the recent Reentry Roundtable follow-up series on "Incarceration, Reentry and the Family" highlight steps that relevant stakeholders can take to better integrate families. Key first steps are:

- **Eliminate the Prison Phone Call Surcharge:** Maintaining family ties during incarceration increases the likelihood of successful family reunification post-release; given the inaccessibility to public transportation of most New Jersey prisons, phone calls to loved ones are the preferred method for ensuring these family connections, and all of these calls are collect. Under a Department of Treasury contract with Global Tel*Link, a substantial surcharge is imposed on all collect calls placed by incarcerated individuals. In fact, New Jersey has the third-highest from-prison call rates in the nation. These high surcharges, which go into New Jersey's general fund, function as a tax on the families of incarcerated individuals, most of whom are already under substantial economic strain, further fraying the family connections. The state can address the unfairness of exploiting prisoners' call recipients for revenue by eliminating phone surcharges, as New York State did earlier this year.
- **Lift the Felony Drug Ban:** Under New Jersey's implementation of welfare reform, the Work First program, individuals convicted of drug-related offenses are subject to a lifetime ineligibility from receiving Temporary Assistance for Needy Families (TANF), General Assistance (GA), and Food Stamps. While there is some relief for those who have completed or are enrolled in a licensed residential treatment program (those with sales convictions can get food stamps, and those with possession convictions only can get both benefits and food stamps), access to treatment, both inside and outside prison, is limited. The ban has a substantial effect on returning individuals with drug convictions and their families by cutting them off from basic transitional economic support at the point when they are most vulnerable. Federal law allows states to opt out of the ban and twelve states, including New York, have done so. Opting out of the ban would allow New Jersey to use this temporary assistance to stabilize individuals and their families when the risk of recidivism is greatest.

- **Expand Housing Opportunities:** Stable, affordable housing is a critical unmet need for all low-income families in New Jersey, but when there is a family member with a criminal record, already limited options become even more restricted. Those returning home from prison can't return to public housing for three years in most public housing authorities, and private landlords may refuse to rent to a household with someone who was formerly incarcerated. Unstable housing makes reintegration harder for families – children in particular – and can increase the likelihood of recidivism, if returning individuals cannot return home or cannot find a place for the family to live together. Opportunities exist to expand housing options for these households. For example, the State, counties, and localities submitting Consolidated Plans (and yearly Action Plans) in applying for federal Community Development Block Grants, McKinney Act and HOME funds should consider how to address unmet housing needs for this population, both through specific projects but also by ensuring that these households are not excluded from the range of initiatives being supported.

3. **Don't Release Empty-handed:** Preparation for life on the 'outside' – by productively using time on the 'inside' – both saves taxpayer dollars and enhances public safety in the long run. There are a wide range of constructive steps that can be accomplished prior to release, as noted above, from early and on-going screening and assessment, programs and services targeting risks and needs, transition planning and coordination, and support for families preparing for reentry.

At the most basic level, New Jersey can start by ensuring that every adult and juvenile leaving state custody has:

- **A valid New Jersey driver's license or non-drivers state identification;**
- **A social security card;**
- **A copy of their criminal record ("rap sheet") from the state police; and**
- **A copy of their medical records.**

4. **Mandate Education:** Research shows that providing education in prison reduces recidivism. The basic facts about New Jersey demonstrate why: the average education level of state prisoners is 6th grade, which limits an already constrained field of job opportunities. In order to increase the likelihood that individuals will lead productive lives following release, the state can take steps to increase in-prison education for all incarcerated individuals who are below basic educational levels. Currently, New Jersey law requires the Department of Corrections to provide academic services only for inmates under the age of 20 who do not have a high school diploma or G.E.D. certificate. Of those incarcerated in 2006, only 3 percent were under 20. Unlike most of the first steps proposed here, education does cost money, but very little in the context of the prison budget and relative to the impact on recidivism. New Jersey can take these steps:

- **Pass a Mandatory Education Law:** As twenty-two other states have already done, the state should enact a mandatory education law, as an initial measure,

requiring inmates who score below the 8th grade level to participate in educational programming for a specified period of time or until they meet the G.E.D. achievement level.

- **Implement Incentives Tied to Educational Participation:** For those not subject to mandatory education, the state can provide incentives, such as good time, work opportunities, and parole consideration, for educational achievement, with incentives increasing along a sliding scale of participation and achievement.
- **Provide Practical Vocational Training:** Specific vocational programs tied to demand occupations that do not exclude those with a criminal record, including those that would allow individuals to attain regular licenses or other certification (not simply a certificate of completion of prison program) prior to release will give individuals the practical knowledge and tools for stable jobs on the outside.

5. **Hold Government Accountable:** The citizens of New Jersey have a right to know how their tax dollars are being spent and, just as importantly, the results of these expenditures. The state's juvenile justice, corrections and parole budget now exceeds \$1 billion, yet there is no requirement that the state agencies involved calculate and report recidivism rates or regularly evaluate their approaches to improving public safety outcomes, or that the state conduct cost benefit analyses of sentencing and public safety policy choices. In order to hold government accountable for its criminal justice spending, there should be greater transparency around core expenditures and their outcomes. The first step in achieving accountability is data collection:

- **Mandate and fund data collection and public reporting around the rearrest, reconviction, and reincarceration of adults and juveniles leaving state custody.** At a minimum the Department of Corrections, the Juvenile Justice Commission, and the State Parole Board should be required annually to report and account for these outcomes.
- **Mandate a fiscal note for all proposed legislation that alters criminal penalties for any criminal offense.** Adding a presumption that a fiscal note, which evaluates whether a proposed bill will increase or decrease expenditures or revenues, is required for any legislation affecting criminal penalties will ensure that there is on-going consideration of the cost effectiveness of criminal justice policy.

Current Second Chance Campaign signatories include:

ACLU of New Jersey
ACORN
Association for Children of New Jersey
Coalition of Community Corrections Providers of New Jersey
Drug Policy Alliance of New Jersey
Families Against Mandatory Minimums
Fund for New Jersey
Goodwill Industries

Hispanic Directors Association of New Jersey
Housing and Community Development Network of New Jersey
Hyacinth Foundation
Integrity House
Jubilee Interfaith
Latino Leadership Alliance of New Jersey
Legal Action Center
Legal Services of New Jersey
NAACP
National Alliance on Mental Illness
National Employment Law Project
National H.I.R.E. Network
New Jersey Association on Correction
New Jersey Black Issues Convention
New Jersey Citizen Action
New Jersey Institute for Social Justice
New Jersey Latino Peace Officers Association
New Jersey Policy Perspective
People's Organization for Progress
Police Institute
Rutgers Newark, School of Criminal Justice
Thomas Edison State College
Volunteers of America
Women Who Never Give-up

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